STATUS OF CLAIMS

Claims 3, 5-10, 14-25, 27, 29-32 and 35-44 are pending.

Claims 3, 5-10, 14-25, 27, 29-32 and 35-44 stand objected to.[1]

Claims 3, 5-10, 14-25, 27, 29-32 and 35-44 stand rejected.

Claims 3, 25, 32 and 37 have been amended without prejudice herein.

REMARKS

Reconsideration of the subject application is requested.

Claim Objections

Claims 3, 5-10, 14-25, 27, 29-32 and 35-44 stand objected to as purportedly only mentioning the self-service feature of the invention in the preamble. Without acceding to the correctness of these objections, Applicant has amended the claims in accordance with the Examiner's suggestion to recite this limitation in the body of the claim.

For purposes of completeness, Applicant has amended Claim 3 to recite, *inter alia*, "wherein, the site generating component, claim data analyzing component and claim rehabilitation component enable claimants to self-service the claims for the sustained losses using the aggregated services." Support for this amendment may be found throughout the application as originally filed.

For example, par. [0016] of the subject application teaches that Claimants will essentially own the claims and drive the web-based insurance process of the invention. Further, that the disclosed process is an "open-system" which permits consumers to process their own claims and utilize the ancillary services and commodities offered. And still further, that in one embodiment, the invention permits the claim process to proceed without an agent, broker or an insurance company. By way of further, non-limiting example, par. [0035] of the subject application teaches that a web site is provided on the World Wide Web that permits any person or entity having a need resulting from a property loss to fulfill the need online. The application also teaches one particularly useful aspect of the invention is that it eliminates the need for

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[1] Applicant notes the Office action Summary omits any reference to any of the pending claims being objected to.

claimants to go through an agent, broker or the insurance company to file a loss claim. By way of further, non-limiting example, the subject application teaches at par. [0011] that a site according to an embodiment of the present invention permits the aggregation of products and services to fulfill the loss recovery activity. Claim 25 has been amended consistently.

Thus, no new matter has been entered. Accordingly, Applicant requests reconsideration and removal of these objections.

Examiner's Suggestions

The Examiner recommended that Applicant describe in more detail the "deep domain processing" of the pending claims. Responsively thereto, Applicant has amended Claim 3 to recite, *inter alia*, "a claim data analyzing component analyzing the inputted information and identifying the claimants, verifying insurance coverage and summarizing the claims based on the analyzing." Support for this amendment may be found throughout the application as originally filed. For example, par. [0049] of the subject application teaches:

> The data provided by the claimant is then analyzed and processed in box 66. This involves identifying the claimant; verifying insurance coverage; summarizing the information or data obtained from the claimant; identifying subrogation opportunities, fraud, and claims that require an escalation of services; matching the claimant with the appropriate services in order to fulfill the claimant's needs; aggregating demands; and data storing.

Accordingly, no new matter has been added.

For purposes of completeness, Applicant has also amended Claim 3 to recite, *inter alia*, "a site generating component generating a site on a global computer network allowing claimants to directly input information for insurance claims for sustained losses." Again, support for this amendment may be found throughout the application as originally filed. For example, pars. [0048] – [0049], where it teaches:

> During the reporting step of box 64, the web site initiates an online user-friendly interview process. This is accomplished by generating online forms or questionnaires that enable the person or entity (referred to hereinafter as claimant) to provide all the necessary information associated with the claim event so that a claim can be filed and resolved online. Such forms will comply with Accord, state and industry standards.
> The data provided by the claimant is then analyzed and processed in box 66. This involves identifying the claimant;

verifying insurance coverage; summarizing the information or data obtained from the claimant; identifying subrogation opportunities, fraud, and claims that require an escalation of services; matching the claimant with the appropriate services in order to fulfill the claimant's needs; aggregating demands; and data

Accordingly, no new matter has been added.

Rejections Pursuant to 35 U.S.C. 103(a)

Claims 3, 5-10 and 14-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi (U.S. Patent 5,950,169), in view of (2) Cutting Out the Middlemen (May 31, 1999 non-patent literature (hereinafter "Middlemen"), further in view of (3) Peterson (US Patent Pub. 2002/0019754), further in view of (4) Automating Collision Claims (May 1994 non-patent literature (hereinafter "Automating").

Claims 25, 27, 29, 30, 31, 32, 35 and 36 apparently stand rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson and further in view of (4) Automating. <u>Applicant again requests clarification of the actual grounds of rejection of these claims though, as no grounds are explicitly presented</u>.

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating, and yet further in view of (5) progressive.com (dated March 1, 2000).

Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating, and yet further in view of (5) King (United States Patent No. 5,704,045).

Claims 18 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating, and yet further in view of (5) King (United States Patent No. 5,704,045), and even in further view of (6) Ryan (United States Patent No. 5,655,085).

Claims 20 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating, and yet further in view of (5) King (United States Patent No. 5,704,045), and yet

further in view of (6) Ryan, and in even further view of (7) Ertel (United States Patent No. 5,307,262).

Claims 22-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating, and yet further in view of (5) Burks (United States Patent No. 6,453,297).

Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating, and yet further in view of (5) Burks, and in even further view of (6) Ertel.

Claim 37 stands rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating, and yet further in view of (5) King.

Claims 38 and 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating, and yet further in view of (5) King, and even in further view of (6) Ryan.

Claims 40-44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating, and yet further in view of (5) King, and yet further in view of (6) Ryan, and in even further view of (7) Ertel.

Applicant requests reconsideration and removal of these rejections for at least the following reasons.

In order to render a claim unpatentable, all of the recited limitations thereof must be taught or suggested in the prior art. *See, MPEP 2143.03; see also, In re. Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).* Applicant submits the cited prior art fails to teach or suggest each of the limitations of any of the pending claims.

1. The Cited Art Fails To Teach Or Suggest A Site Allowing Claimants To Directly Input Claimant, Insurance And Claim Information For Insurance Claims For Sustained Losses.

Claim 3 recites, *inter alia*, "[a] computer system comprising: a site generating component generating a site on a global computer network allowing <u>claimants</u> to directly input information for insurance claims for sustained losses." Notwithstanding that the Office action cites the combined teachings of four (4) separate references (Borghesi, Middlemen, Peterson and

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Automating) to reject Claim 3, these references fail to teach or suggest such a site generating component.

The Office action first argues Borghesi teaches a site generating component for generating a site for inputting claims from a plurality of sources. *See, pg. 3, ll. 2-4.* However, as set forth in Applicant's prior response, Borghesi presents a system and method for processing insurance claims "for use by insurance companies as well as appraisers, repair shops, salvage yards and other support industries." *Col. 2, ll. 33-41.* Accordingly, Borghesi presents exactly the type of prior art system having the shortcomings and deficiencies that the present invention addresses by enabling insurance claimants to self-service insurance claims.

The Office action even acknowledges that Borghesi fails to teach a system that enables claimants to self-service insurance claims but attempts to rely on the Peterson reference for this recognizes deficiency in Borghesi. (*See, pg. 3, ll. 7-14).* However, the Office action's reliance on Peterson in this regard is misplaced, as Peterson fails to remedy this admitted shortcoming of Borghesi.

More particularly, the Office action argues section [0022] of Peterson evidences enabling claimants to self service insurance claims and directly input insurance claims. *See, pg. 3, ll. 7-10.* However, a detailed reading of this section of Peterson fails to support this proposition – and, in fact, actually teaches against an insured or claimant directly entering insurance claims. Section [0022] of Peterson reads, in its entirety:

> When the health care provider is satisfied with the status of the claim, it is submitted to the adjudication system, where it is either automatically adjudicated or forwarded to a claims shop for manual review and adjudication. A payment system included in the claims processing systems of the invention initiates payment for approved claims using electronic funds transfer. In the alternative, paper checks may be used to pay the health care provider.

Thus, the relied upon teachings of Peterson do not teach or suggest having claimants directly enter claim information and/or self-servicing insurance claims, but instead teaches service provider entered claims. Accordingly, Peterson adds nothing to the deficient teachings of Borghesi in this regard, as, like Borghesi, Peterson instead teaches a system for use by third-party service providers (*e.g.,* appraisers, repair shops, salvage yards and other support industries and health care providers) and not by claimants themselves, as is recited by Claim 3.

In an apparent effort to address this clear shortcoming of Borghesi and Peterson, the Office action then vaguely asserts that Middlemen "allows insureds access to services so that they can self-service various insurance transactions", such that "it would have been obvious … to have modified the teachings of Middleman so that the system of Middleman would have been able to allow *[sic]* claims to self-service their own insurance claims." *See, pg. 3, ll. 15-21.*

As an initial matter, the Office action fails to explain, in any manner what-so-ever, how one would combine Middlemen with the combined teachings of Borghesi and Peterson to reach the claimed invention. Instead, the Office action merely asserts that it would have been obvious to modify Middlemen in the asserted manner. Accordingly, a *prima facie* case of obviousness over the combined teachings of Borghesi, Middlemen, Peterson and Automating is lacking. Should a notice of allowance not be forthcoming, Applicant requests that the Examiner clearly explain what reliance is being placed upon Middlemen, and how it is being combined with the other cited references, such that Applicant may be afforded a reasonable opportunity to respond thereto.

The above notwithstanding, Applicant further traverses the asserted modification of Middlemen. Middlemen discusses removing middlemen in the course of buying and selling insurance – not servicing claims. Further, the asserted benefits of Middlemen (reducing paperwork and administrative and sales costs) are explained to be associated with "selling insurance directly on the Internet" and not with any claim servicing activities. In summary, Middlemen is entirely silent regarding servicing claims, and even teaches that eliminating middlemen in certain insurance purchase transactions is not appropriate. Whether or not it would be obvious to allow consumers to purchase insurance without intermediaries to reduce costs and/or improve service fails to provide any motivation or teaching regarding servicing claims relating to sold insurance instruments. Accordingly, Middlemen fails to remedy the deficiency of Borghesi and Peterson, at least with regard to claimants' claim inputting and self servicing of insurance claims.

For purposes of completeness, Applicant notes that Automating is not relied upon in this regard.

Accordingly, Applicant requests reconsideration and removal of the rejection of Claim 3 as being unpatentable over the combined teachings of: (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating. Applicant also

requests reconsideration and removal of the rejections of Claims 5-10 and 14-24 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 3.

Turning now to Claim 25, it analogously recites, *inter alia*, "generating a site on a global computer network allowing claimants to directly input claimant, insurance and claim information for insurance claims for sustained losses." Accordingly, Applicant also requests reconsideration and removal of the rejection thereof as being unpatentable over the combined teachings of: (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating, for at least those reasons set forth above. Applicant also requests reconsideration and removal of the rejections of Claims 27, 29-32 and 35-44 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 25.

2. The Cited Art Fails To Teach Or Suggest Analyzing The Inputted Insurance Claim Information To Identify The Claimants, Verify Insurance Coverage And Summarize The Claims.

Notwithstanding that the above-noted deficiency of the cited art is sufficient to require reconsideration and removal of all outstanding rejections, Applicant further notes that Claim 3 also recites, *inter alia*, "a claim data analyzing component analyzing the inputted insurance claim information and identifying the claimants, verifying insurance coverage and summarizing the claims based on the analyzing." Borghesi, Middlemen, Peterson and Automating similarly fail, in any combination, to teach or suggest such an analyzing component.

The Office action argues Borghesi teaches a claim analyzing component at lines 12-41 of column 13. Applicant traverses this assertion. Applicant instead notes this cited portion of Borghesi merely discusses: the selection of repair parts to prepare an estimate, system event logs and updated and total estimates. Consistently, the cited passages of Borghesi are entirely silent regarding: analyzing the inputted insurance claim information; and identifying the claimants, verifying insurance coverage and summarizing the claims based on the analyzing – as is recited by Claim 3.

For purposes of completeness, Applicant notes the Office action does not rely upon any of Middlemen, Peterson or Automating in this regard.

Accordingly, Applicant requests reconsideration and removal of the rejection of Claim 3 as being unpatentable over the combined teachings of: (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating for at least this

reason as well. Applicant also requests reconsideration and removal of the rejections of Claims 5-10 and 14-24 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 3.

Turning now to Claim 25, it analogously recites, *inter alia*, "analyzing the inputted insurance claim information to identify the claimants, verify insurance coverage and summarize the claims." Accordingly, Applicant also requests reconsideration and removal of the rejection thereof as being unpatentable over the combined teachings of: (1) Borghesi in view of (2) Middlemen, further in view of (3) Peterson, further in view of (4) Automating, for at least this reason as well. Applicant also requests reconsideration and removal of the rejections of Claims 27, 29-32 and 35-44 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 25.

3. *The Cited Art, When Properly Considered As A Whole, Fails To Teach Or Suggest The Recited Invention Of Any Of The Pending Claims.*

Notwithstanding that the foregoing represents sufficient grounds that necessarily require removal of all the Office action asserted rejections, Applicant further submits the following grounds justifying reconsideration and removal of the Office action asserted rejections.

Independent Claim 3 recites, *inter alia*, "wherein, the site generating component, claim data analyzing component and claim rehabilitation component enable claimants to self-service the claims for the sustained losses using the aggregated services." Such a system is disclosed throughout the subject application. The disclosed process is an "open-system" which permits consumers to process their own claims and utilize the ancillary services and commodities offered. The invention permits the claim process to proceed <u>without an agent, broker or an insurance company.</u>

Borghesi presents a comprehensive system and method for processing insurance claims "<u>for use by insurance companies as well as appraisers, repair shops, salvage yards and other support industries.</u>" *Col. 2, ll. 33-41.* Accordingly, Borghesi presents exactly that type of prior art system having the shortcomings and deficiencies that the present invention addresses by enabling insurance claimants to <u>self-service insurance claims.</u>

In an effort to remedy this admitted shortcoming, the Office action seeks to modify the Borghesi system to enable clients to self-service insurance claims. However, such a modification of Borghesi would eliminate the problem that Borghesi itself seeks to address, namely, that an insurance claim adjuster must spend time keeping track of, and running, separate programs that may overlap and lead to redundant data entry tasks for insurance claim work flow (*see, col. 2, ll. 3-9*). Accordingly, the need for the Borghesi system is entirely eradicated.

In other words, one possessing an ordinary skill in the pertinent art at the time of the invention would not have turned to and sought to modify the Borghesi system, where the problem solved by the Borghesi system (agents processing claims) is not present in the first place. Accordingly, a proper motivation to modify the teachings of Borghesi to change its principle of operation is lacking.

In view of the foregoing, Applicant requests reconsideration and removal of the asserted rejection of Claim 3, at least by virtue that the cited prior art fails to teach or suggest at least "[a] computer system ... wherein, the site generating component, claim data analyzing component and claim rehabilitation component enable claimants to self-service the claims for the sustained losses using the aggregated services." Applicant also requests reconsideration and removal of the rejections of Claims 5-10 and 14-24, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 3.

Turning now to Claim 25, it analogously recites, *inter alia*, "[a] method ... wherein, the generating, analyzing, aggregating and providing enable claimants to self-service the claims for the sustained losses using the aggregated services." Accordingly, Applicant respectfully requests reconsideration and removal of the rejection of Claim 25 for at least the foregoing reasons. Applicant also requests reconsideration and removal of the rejections of Claims 27, 29-32 and 35-44 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 25.

CONCLUSION

Applicant believes he has addressed all outstanding grounds raised in the outstanding Office action, and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

Dated: _June 19, 2007_
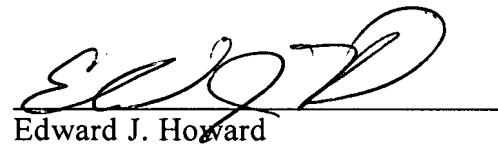
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